

HOUSE BILL No. 2069

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-16-12.

Synopsis: Child support. Provides for an order directing a person to pay a child support arrearage. Specifies that an order directing a person to pay a child support arrearage is enforceable by contempt or any other remedy available for the enforcement of a child support decree.

Effective: Upon passage.

Ayres, Kuzman

January 17, 2001, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 2069

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-16-12-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Notwithstanding
3 any other law, all orders and awards contained in a child support decree
4 **or an order directing a person to pay a child support arrearage**
5 may be enforced by:

6 (1) contempt;

7 (2) assignment of wages or other income; or

8 (3) any other remedies available for the enforcement of a court
9 order;

10 except as otherwise provided by IC 31-16-2 through IC 31-16-11 or
11 this chapter.

12 SECTION 2. IC 31-16-12-3 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The
14 obligation of a person to pay child support arrearages does not
15 terminate when the person's duty to support a child ceases under
16 IC 31-16-6-6 (or IC 31-1-11.5-12(e) before its repeal). The statutes
17 applicable to the collection of child support obligations are applicable

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to the collection of child support arrearages described in this section.

(b) The court, upon request of a person or agency entitled to receive child support payments, may issue an order that contains any of the following:

(1) A determination of the amount of child support arrearage due to a person or agency entitled to receive child support payments.

(2) An order directing a person to pay the child support arrearage.

(3) The schedule and other terms on which a person is to pay a child support arrearage.

(4) Any other provision that the court determines to be appropriate.

An order issued under this subsection is enforceable to the same extent as an order or award in a child support decree.

SECTION 3. IC 31-16-12-6, AS AMENDED BY P.L.32-2000, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. If the court finds that a party is delinquent as a result of an intentional violation of:

(1) an order for support; or

(2) an order directing a person to pay a child support arrearage;

the court may find the party in contempt of court. The court may order a party who is found in contempt of court under this section to perform community restitution or service without compensation in a manner specified by the court.

SECTION 4. [EFFECTIVE UPON PASSAGE] **It is the intent of the general assembly to make contempt and all other remedies for the enforcement of child support orders available to assist in the enforcement of child support orders regardless of whether the children for whom the child support was ordered are emancipated. For this purpose, the general assembly is establishing a procedure for the enforcement of a child support arrearage through an order directing a person to pay a child support arrearage. IC 31-16-12-1, IC 31-16-12-3, IC 31-16-12-6, all as amended by this act, apply to child support arrearages that exist after the effective date of this SECTION regardless of when the arrearages accrued.**

SECTION 5. **An emergency is declared for this act.**



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